

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
JAMES BONINI
CLERK

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA

v.

JOSEPH P. MARASCO
ROBERT M. FUSNER

CASE NO. **2:08 cr 147**

18 U.S.C. § 1956(h)

18 U.S.C. § 1957

21 U.S.C. § 846

26 U.S.C. § 7206(1)

JUDGE HOLSCHUH

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about the 22nd day of August, 2002, in the Southern District of Ohio, JOSEPH P. MARASCO, a resident of 3211 Tollcross Drive, Hilliard, Ohio, did willfully make and subscribe a form 1040 U.S. Individual Income Tax Return for the year 2001 which was verified by a written declaration that it was made under the penalties of perjury and which was filed with the Director, Internal Revenue Service Center at Cincinnati, Ohio, which the said JOSEPH P. MARASCO did not believe to be true and correct as to every material matter in that line 22 of the said form 1040 showed total income in the amount of \$87,357, whereas, as JOSEPH P. MARASCO then and there well knew and believed, substantial income derived from 2001 narcotics transactions had been omitted from line 22 of that form.

In violation of Title 26, United States Code, Section 7206(1).

COUNT 2

On or about the 21st day of October, 2002, in the Southern District of Ohio, ROBERT M. FUSNER, a resident of 4337 Okeechobee Court, Grove City, Ohio, did willfully make and subscribe a form 1040 U.S. Individual Income Tax Return for the year 2001 which was verified by a written declaration that it was made under the penalties of perjury and which was filed with the Director, Internal Revenue Service Center at Cincinnati, Ohio, which the said ROBERT M. FUSNER did not believe to be true and correct as to every material matter in that line 22 of the said form 1040 showed total income in the amount of \$59,407, whereas, as ROBERT M. FUSNER then and there well knew and believed, substantial income derived from 2001 narcotics transactions had been omitted from line 22 of that form.

In violation of Title 26, United States Code, Section 7206(1).

COUNT 3

On or about the 15th day of April, 2003, in the Southern District of Ohio, ROBERT M. FUSNER, a resident of 4337 Okeechobee Court, Grove City, Ohio, did willfully make and subscribe a form 1040 U.S. Individual Income Tax Return for the year 2002 which was verified by a written declaration that it was made under the penalties of perjury and which was filed with the Director, Internal Revenue Service Center at Cincinnati, Ohio, which the said ROBERT M. FUSNER did not believe to be true and correct as to every material matter in that line 22 of the said form 1040 showed total income in the amount of \$70,436, whereas, as ROBERT M. FUSNER then and there well knew and believed, substantial income derived from 2002 narcotics transactions had been omitted from line 22 of that form.

In violation of Title 26, United States Code, Section 7206(1).

COUNT 4

On or about the 20th day of August, 2005, in the Southern District of Ohio, JOSEPH P. MARASCO, a resident of 3211 Tollcross Drive, Hilliard, Ohio, did willfully make and subscribe a form 1040 U.S. Individual Income Tax Return for the year 2002 which was verified by a written declaration that it was made under the penalties of perjury and which was filed with the Director, Internal Revenue Service Center at Cincinnati, Ohio, which the said JOSEPH P. MARASCO did not believe to be true and correct as to every material matter in that line 22 of the said form 1040 showed total income in the amount of \$45,053, whereas, as JOSEPH P. MARASCO then and there well knew and believed, substantial income derived from 2002 narcotics transactions had been omitted from line 22 of that form.

In violation of Title 26, United States Code, Section 7206(1).

COUNT 5

On or about the 15th day of April, 2004, in the Southern District of Ohio, ROBERT M. FUSNER, a resident of 4337 Okeechobee Court, Grove City, Ohio, did willfully make and subscribe a form 8453 U.S. Individual Income Tax Declaration for an e-filer for the year 2003 which was verified by a written declaration that it was made under the penalties of perjury and which was filed with the Director, Internal Revenue Service Center at Cincinnati, Ohio, which the said ROBERT M. FUSNER did not believe to be true and correct as to every material matter in that line 22 of the said form 1040 showed total income in the amount of \$81,215, whereas, as ROBERT M. FUSNER then and there well knew and believed, substantial income derived from 2003 narcotics transactions had been omitted from line 22 of that form.

In violation of Title 26, United States Code, Section 7206(1).

COUNT 6

On or about the 17th day of January, 2006, in the Southern District of Ohio, JOSEPH P. MARASCO, a resident of 13023 Brandon Mill Road, Pataskala, Ohio, did willfully make and subscribe a form 1040 U.S. Individual Income Tax Return for the year 2003 which was verified by a written declaration that it was made under the penalties of perjury and which was filed with the Director, Internal Revenue Service Center at Cincinnati, Ohio, which the said JOSEPH P. MARASCO did not believe to be true and correct as to every material matter in that line 22 of the said form 1040 showed total income in the amount of \$107,512, whereas, as JOSEPH P. MARASCO then and there well knew and believed, substantial income derived from 2003 narcotics transactions had been omitted from line 22 of that form.

In violation of Title 26, United States Code, Section 7206(1).

COUNT 7

From on or about January 1, 1997, and continuing thereafter until on or about the date of return of this Indictment, in the Southern District of Ohio and elsewhere, the defendants, JOSEPH P. MARASCO and ROBERT M. FUSNER and others, both known and unknown to the Grand Jury, knowingly and intentionally and unlawfully did combine, conspire, confederate and agree with each other and with others both known and unknown to the Grand Jury, to possess with intent to distribute over 500 grams of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, and over 100 kilograms of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(B)(ii) and 841(b)(1)(B)(vii).

COUNT 8

Beginning on or about October of 1997 and continuing thereafter until at or about the date of return of this Indictment, the exact dates being unknown, in the Southern District of Ohio and elsewhere, the defendants, JOSEPH P. MARASCO and ROBERT M. FUSNER and others, both known and unknown to the Grand Jury, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other,

- (a) to knowingly and willfully conduct financial transactions which involved proceeds derived from a specified unlawful activity, knowing the proceeds are so derived, with the intent to promote the carrying on of said specified unlawful activity, that is, conspiracy to possess with intent to distribute or dispense substantial quantities of controlled substances, in violation of 21 U.S.C. §846, all in violation of 18 U.S.C. §1956 (a) (1) (A) (i); and
- (b) to knowingly and willfully conduct financial transactions which involve proceeds derived from a specified, unlawful activity, knowing the proceeds are so derived, which transactions were designed in whole or in part to conceal, or disguise the nature, the location, the source, the ownership or the control of the proceeds of said specified unlawful activity, that is, conspiracy to possess with intent to distribute or dispense substantial quantities of controlled

substances, in violation of 21 U.S.C. §846, all in violation of
18 U.S.C. §1956 (a)(1)(B)(i).

It was a part of the conspiracy that the defendants, JOSEPH P. MARASCO and ROBERT M. FUSNER and others, both known and unknown to the grand jury would provide cash proceeds of illegal narcotics activities to various individuals and businesses in order to receive checks or other things of value that would appear legitimate, including but not limited to transactions involving an apparent boat purchase from Delta Marine; separate transactions involving a black two-seat Mercedes Benz, a 2001 Z06 Corvette, and a 1999 Mercedes Benz E55 coupe; the purchase of "Captain Woody's" at Buckeye Lake, Ohio; and transactions involving lines-of-credit from Goldrush Mortgage.

It was a further part of the conspiracy that Defendant JOSEPH P. MARASCO and another not charged in this Indictment would participate in a scheme whereby a scrap metals business provided checks to JOSEPH P. MARASCO in exchange for cash paid directly to an employee of that business.

In violation of Title 18, United States Code, Section 1956(h).

COUNT 9

Beginning on or about May of 2003 and continuing thereafter until at least December of 2003, the exact dates being unknown, in the Southern District of Ohio and elsewhere, the defendants, JOSEPH P. MARASCO and ROBERT M. FUSNER and others, both known and unknown to the Grand Jury, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other,

- (a) to knowingly and willfully conduct financial transactions which involved proceeds derived from a specified unlawful activity, knowing the proceeds are so derived, with the intent to promote the carrying on of said specified unlawful activity, that is, conspiracy to commit mail fraud, in violation of 18 U.S.C. §371 and mail fraud in violation of 18 U.S.C. §1341, all in violation of 18 U.S.C. §1956 (a) (1) (A) (i); and
- (b) to knowingly and willfully conduct financial transactions which involve proceeds derived from a specified, unlawful activity, knowing the proceeds are so derived, which transactions were designed in whole or in part to conceal, or disguise the nature, the location, the source, the ownership or the control of the proceeds of said specified unlawful activity, that is, mail fraud in violation of 18 U.S.C. §1341 and conspiracy to commit mail fraud in violation of 18 U.S.C. §371, all in violation of 18 U.S.C. §1956 (a)(1)(B)(I).

It was a part of the conspiracy that the defendants, JOSEPH P. MARASCO and ROBERT M. FUSNER and others, both known and unknown to the grand jury would receive thousands of dollars from Progressive Insurance Company from the submission of a false insurance claim alleging the theft of a certain 1997 Pontiac Trans Am vehicle insured in the amount of \$64,000.

It was a part of the conspiracy that Defendant JOSEPH P. MARASCO would provide two motorcycles to another person not charged in this Indictment in exchange for the insurance proceeds plus \$10,000.

It was a further part of the conspiracy that the Defendant ROBERT M. FUSNER would pay \$10,000 for the parts, engine and components of the 1997 Pontiac Trans Am.

It was a further part of the conspiracy that the defendants, JOSEPH P. MARASCO and ROBERT M. FUSNER and others, both known and unknown to the grand jury would and did devise and intend to devise this scheme or artifice to defraud Progressive Insurance Company by means of false and fraudulent pretenses, representations and promises, and for the purpose of executing said scheme or artifice to defraud, or attempting so to do, would and did cause the mails to be used as an integral part of the scheme or artifice.

In violation of Title 18, United States Code, Section 1956(h).

COUNT 10

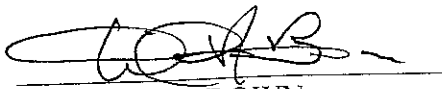
On or about the 9th of December, 2003, in the Southern District of Ohio, the defendant, JOSEPH P. MARASCO did knowingly and willfully conduct and attempt to engage in a monetary transaction, affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, that is, deposit of a payment made to JOSEPH P. MARASCO in the form of Fifth Third official check, number 0337135, made payable to "Walter Kerschner" in the amount of \$28,527.44, such property having been derived from a specified unlawful activity, that is, mail fraud, in violation of 18 U.S.C. §1341, and conspiracy to commit mail fraud, in violation of 18 U.S.C. §371.

In violation of Title 18, United States Code, Section 1957.

A TRUE BILL.


FOREPERSON

GREGORY G. LOCKHART
United States Attorney


DANIEL A. BROWN
Assistant United States Attorney

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN MY OFFICE ON <u>July 16, 2008</u> JAMES BONNI, CLERK BY: <u>Sammy Jones</u> Deputy Clerk DATE: <u>July 16, 2008</u>	
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